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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,431	08/30/2003	Robert J. Hunter	7192	8625

7590 11/16/2004  
Steve M. McLary  
Graphic Packaging International, Inc.  
814 Livingston Court  
Marietta, GA 30067

EXAMINER

GRAY, LINDA LAMEY

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/651,431

Applicant(s)

HUNTER, ROBERT J.

Examiner

Linda L Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Action**

**Claim Objections**

1. **Claims 16-17** are objected to because of the following informality: **claims 16-17**, "the" (L 1) should be capitalized.

**Claim Rejection - 35 U.S.C. 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claims 17 and 18**, use of "type" renders the claims indefinite because it is unclear what such incorporates. Are the applicators "like" roll, spray, and extrusion applicators or the applicators actually roll, spray, and extrusion applicators?

**Claim Rejections - 35 U.S.C. 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 1-6 and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Confer (US 3,750,538) in view of Brewster (US 2003/0091779 A1) or Middelstadt et al. (US 2002/0050324 A1).**

**Claims 1, 9, 11, and 15,** Confer teaches a method of and apparatus for applying reinforcing material 24 to carton blank 40/42/44 including the following steps:

(a) moving at least one strip of material 24 along a processing path from a supply,

(b) applying an adhesive to material 24 (c 3, L 45-46) and also applying the adhesive to material 24 -- see column 3, lines 44-45, in that the adhesive is applied to carton material 12 where the adhesive is then is applied to material 24 when the adhesive contacts material 24 as material 12 contacts material 24, wherein the applications occur at stations along the path of material 12 and 24,

(c) moving material 12 into registration with material 24 at lamination station 14, and

(d) forming blank 40/42/44 from material 12 and material 24 at cutting station 32.

***Claims 1 and 9,*** Confer teaches the adhesive to be a resin but does not specifically recite using an adhesive that is cold set and hot melt.

However, it is conventional to use a cold/set-hot meld adhesive when applying reinforcing material to carton blanks. Specifically, Brewster and Middelstadt et al. teach applying a reinforcing material, such as a cutting edge, to a carton blank using an adhesive of ethylene vinyl acetate to bond the material to the blank.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Confer using ethylene vinyl acetate as the adhesive because it is conventional to use such an adhesive as demonstrated by Brewster and Middelstadt et al. in the same art of making reinforced carton blanks where it is obvious to replace one adhesive with another art recognized alternative adhesive in the same art. Note Applicant indicates using ethylene vinyl acetate as the cold set adhesive and the hot melt adhesive (p 7, L 10-14; p 8, L 6-9) such that ethylene vinyl acetate of Confer modified is considered to have the same degree of cold setting and hot melting properties as that claimed.

**Claims 2-3, 10, and 12**, applying the hot melt adhesive includes placing the hot melt adhesive adjacent each side of material 24 in that the hot melt adhesive covers the bonding side of material 24 and thus is along the edges. **Claims 4 and 13**, Confer teaches moving material 12 into registration with material 24 by feeding a paperboard web 12 and urging web 12 and material 24 together where the adhesive will set and hold the two together (c 1, L 24-35 with c 3, L 32-36). **Claims 5 and 16**, Confer teaches that urging web 12 and material 24 together includes passing web 12 and material 24 through compression rollers 18 and 20 (c 3, L 30-38). **Claims 6 and 19**, Confer teaches that forming blank 40/42/44 includes die cutting blank 40/42/44 from material 12 with material 24 adhered thereto (c 3, L 56-64). **Claims 8 and 14**, blank 40/42/44 is formed while material 12 and material 24 are held together by the adhesive where the adhesive is also cured thereafter to the same degree as that of the pending claims in that Confer modified uses the same adhesive as Applicant for the cold set and hot melt adhesive, i.e., ethylene vinyl acetate.

**Claims 17 and 18**, Confer does not teach the adhesive applicator stations to include roll, spray, or extrusion applicators.

However, such are conventional means for adhesive application and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Confer the adhesive applicator stations to include roll, spray, or extrusion applicators because it is obvious to replace one means for adhesive application with another art recognized alternative in the same art.

**6. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Confer in view of Brewster or Middelstadt et al. as applied to claims 1-6 and 8-19 above, and further in view of Wandel (US 3,741,859).**

*Claims 7 and 20, Confer does not teach that material 24 is provided by feeding a sheet of such from a supply and cutting it therefrom.*

However, Wandel teaches a method of applying strips of reinforcing material 2 to carton blank 3/4/18 where material 2 is provided by feeding sheet 10 of such from a supply and cutting the strips therefrom.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in Confer that material 24 is provided by feeding a sheet of such from a supply and cutting it therefrom because such allows one to provide all of the strips of material 24 from a single source which is convenient as demonstrated by Wandel and where Confer does not place restrictions on where the strips are to originate.

#### **Art of Record**

**7.** The following prior art is made of record for making reinforced carton blanks: Itoh et al., Zoekler, three Smith references, Campbell et al., and Bullock, Sr. Also, Beery teaches applying strips to paper boxes by passing the strip through two consecutive adhesive applicators at B and B'.

#### **Conclusion**

**8.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla, can be reached at (571) 272-1187. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg

November 9, 2004

  
LINDA GRAY  
PRIMARY EXAMINER